

Remark

Applicants respectfully request reconsideration of this application. No claims have been amended. Therefore, claims 1-26 are presented for examination.

35 U.S.C. §102 Rejection*Schein, Morrison and Rosser*

The Examiner has rejected claims 1-5, 9-19, 21-22 and 25 under 35 U.S.C. §102(e) as being anticipated by Schein et al., U.S. Patent Application No. 2006/0168620 ("Schein"), Morrison, U.S. Patent No. 6,359,580 ("Morrison") and in further view of Rosser, U.S. Patent No. 6,446,261 ("Rosser"). This rejection is a new rejection in response to the previous amendment in that Morrison is added. Applicants must conclude that the previous amendment was persuasive.

Morrison quite simply shows that when a channel is available from more than one source, then the viewer is either shown the Figure 2 screen and asked to choose the source, or a default source is used. At Col. 3, lines 7-10, the user can select the default source. There is no explanation of how this might be done, nor of setting any other user preferences. There is further no explanation of how the tuning is done internally, once the user has set the default.

It remains that Schein and Morrison relate to selecting a source for a particular channel. Neither reference is about identifying multiple versions of a particular program and then selecting one of the versions using user preferences. Rosser as mentioned previously is about selecting from commercials for different products at the head end.

Conclusion

Applicants respectfully submit that the rejections are traversed in light of the above remarks, and that the claims remain in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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